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UNCLAS SECTION 01 OF 02 NIAMEY 000344

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SUBJECT: NIGER: FOREIGN MINISTER CONVOKES DIPLOMATIC CORPS
TO ELABORATE ON PRESIDENT TANDJA'S REASONING BEHIND THE
CALL FOR A CONSTITUTIONAL REFERENDUM

REF: A. NIAMEY 341
[B](#). NIAMEY 328
[C](#). NIAMEY 234
[D](#). NIAMEY 214

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[1](#)1. Summary. On May 12, Government of Niger (GON) Foreign Minister (FM) Aichatou Mindaoudou convoked the diplomatic corps ambassadors and international organizations' resident representatives to the Ministry of Foreign Affairs (MFA) to elaborate on President Tandja's call for a referendum. She stated that the GON Spokesperson's announcement (ref A) together with rumblings around the country and counter demonstrations surrounding "Tazarche" (Note: Hausa word meaning "let it continue") led her to the conclusion it would be useful for her to meet with partners and address any questions we may have about the referendum. She said the Independent National Electoral Commission (CENI) would be charged to organize the referendum, that CENI would seek new funding for the referendum since costs for it had not been included in CENI's budget request to partners for the general elections. When asked about international observers/monitors for the referendum, the FM responded that they would be permitted. End summary.

[1](#)2. FM Mindaoudou opened the meeting by noting that she wanted to make herself available to address any questions the diplomatic corps/partners may have concerning the upcoming referendum on the Constitution. She remarked that she knew the diplomatic corps followed closely the media reports on political matters and likely had seen GON Spokesperson Ben Omar's announcement of May 8. She indicated she felt compelled to elaborate on the reasoning behind President Tandja's most recent call for a referendum. She noted that the nation had been seized with the issue of "Tazarche" for the past 18 months. She emphasized that initially President Tandja was totally against it and had consistently remained resolute in not speaking on the matter. She stated she had even spoke about Tandja's position on many occasions, including on the margins of United Nations meetings in the past year. She stressed that it was after French President Sarkozy's visit (ref D) that Tandja's position crystallized. She mentioned that the Hausa word for referendum means "vote to settle matters between people." Consequently, Tandja decided it was in the best interest of the nation to call for a referendum because no one knows whether the "pro-Tazarchists" or "anti-Tazarchists" are the majority.

[1](#)3. Mindaoudou insisted that "Tazarche" has nothing to do with prolongation of Tandja's current mandate, that Tandja

has clearly stated he will not touch the Constitution, that he knows he cannot amend the article related to the Presidential mandate, not for number of mandates nor term length. She said Tandja is prepared to leave office on December 22, 2009, if that's the will of the people. She added that no one questions the legality of Tandja's authority to call for a referendum, that it is allowed per Article 49 of the Nigerien Constitution. She opined that questions actually have centered around the timing of Tandja's decision to call for a referendum. She said the only way the President can know for sure whether those for "Tazarche" are majority or minority is to hold the referendum. She again stressed that the President has no intention of amending the Constitution, that the only matter he wants to resolve relates to the people's wishes with regard to the number of Presidential terms. Highlighting her past role in drafting part of the Constitution, she said it foresees that the President may submit to the National Assembly and Constitutional Court for consultation purposes any text he wishes. That it is the President only who decides when to act on his prerogative and how he will use the advice emanating from those respective institutions. She reemphasized that the referendum is primarily to determine whether Nigeriens want to keep the current Constitution "as is" or want a new one to change the number of Presidential terms.

¶4. When asked what margin of vote would be needed for the referendum to pass, the FM responded that it only requires a simple majority (51 percent).

¶5. In response to a question about the time period for the referendum and whether it would affect the CENI's timetable for the general elections, Mindaoudou said the CENI timetable for general elections is set and cannot be changed. She

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added that President Tandja is expected to make a formal address to the nation in the very near future, she was hopeful before week's end. As for the timing of the referendum, she said it would have to occur before the first round of the Presidential election (CENI date is November 14, 2009), that she would guess the referendum might occur in July or August.

¶6. On the matter of who would be charged to organize the referendum and whether the current CENI budget included costs for the referendum, the FM confirmed that CENI would be charged with organizing the referendum and that CENI will seek new funding to cover expenses for the referendum, as the referendum had not been taken into account at the time the CENI prepared the budget for the general elections. She added the GON would welcome partner support for additional funding for the referendum.

¶7. On the question of whether international monitors or observers would be permitted for the referendum, as has been the case with past general elections, the FM replied that they would be permitted, if partners want to take on that task, that the GON wants the referendum to be fair and transparent. She closed the meeting by suggesting that all stay tuned for Tandja's imminent message.

ALLEN